REPORT
OF THE
COMMITTEE ON RELATIONS
WITH THE
HOST COUNTRY

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-SIXTH SESSION

SUPPLEMENT No. 26 (A/46/26)

UNITED NATIONS

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II. MEMBERSHIP, TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE

3. In 1991, there were no changes in the membership of the Committee, which was as follows:

Bulgaria	France	Union of Soviet Socialist Republics
Canada	Honduras	United Kingdom of Great Britain and Northern Ireland
China	Iraq	United States of America
Costa Rica	Mali	
Côte d'Ivoire	Senegal	
Cyprus	Spain	

4. Throughout 1991, Mr. Constantine Moushoutas (Cyprus) continued to serve as Chairman, the representatives of Bulgaria, Canada and Côte d'Ivoire as Vice-Chairmen and Mrs. Emilia Castro de Barish (Costa Rica) as Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In 1991, the Committee retained a detailed list of topics, previously adopted in May 1982, as follows:

1. Question of the security of missions and the safety of their personnel.

2. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes;

   (d) Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study of privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

I. INTRODUCTION

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. At its forty-fifth session, the General Assembly, by its resolution 45/46 of 28 November 1990, requested the Committee "to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971" and decided "to include in the provisional agenda of its forty-sixth session the item entitled 'Report of the Committee on Relations with the Host Country'".

2. The present report is divided into four sections. The recommendations and conclusions of the Committee are contained in section IV.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the Committee's report to the General Assembly.

6. During the period under review, the Committee held six meetings: the 149th meeting on 26 March, the 150th meeting on 30 April, the 151st meeting on 8 July, the 152nd meeting on 9 October, the 153rd meeting on 15 November and the 154th meeting on 25 November 1991.

7. The Bureau of the Committee consists of the Chairman, the Rapporteur, the three Vice-Chairmen and a representative of the host country who attends Bureau meetings ex officio. The Bureau is charged with the consideration of topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which the Committee keeps under permanent review in plenary meetings.

8. During the reporting period, the Bureau held five meetings: on 22 March, 3 and 11 April, 27 June and 19 September 1991. Among other matters, the Bureau discussed travel regulations previously imposed by the host country on personnel of certain missions and Secretariat officials who were nationals of certain States, and immigration and customs procedures at Kennedy Airport. The Bureau also extensively discussed the problem of financial indebtedness in general and, in particular, the concrete measures to be taken by the Committee with a view to helping missions and their personnel confronted with financial difficulties. The proposals and recommendations made by the Bureau were transmitted by the Chairman to the Committee as a whole for approval.

9. On the recommendation of the Bureau, the Committee, at its 150th meeting, set up a Working Group to consider all aspects of the problem of indebtedness. The Working Group held three meetings, on 27 June, 19 September and 1 October 1991.

III. TOPICS DEALT WITH BY THE COMMITTEE

A. Question of the security of missions and the safety of their personnel

10. At the 151st meeting, on 8 July 1991, the Committee resumed consideration of matters relating to the security of missions and the safety of their personnel. The Chairman informed the Committee that he had been contacted by the representative of the Cuban Mission in connection with continuing demonstrations near the Mission's premises. The representative of the United States Mission, at the Bureau's meeting of 27 June 1991, had informed the members of the Bureau of measures taken by the competent host country authorities in order to prevent any illegal action against the Cuban Mission and its personnel in New York City.

11. The observer of Cuba recalled that at the 148th meeting of the Committee, held on 14 November 1990, he had drawn the Committee's attention to the hostile demonstrations that had been held regularly in front of the Cuban Mission since the end of 1989. Those demonstrations had continued on a weekly basis for more than a year and a half. While not challenging the right of certain persons to hold rallies of a political nature, he once again drew the Committee's attention to the demonstrations, which he said were in practice essentially used as camouflage for a policy of intimidation of members of the Cuban Mission and their families. The observer of Cuba said that the demonstrators had been carrying out hostile, offensive and provocative acts, including violation of their permit to hold a political demonstration. There had been instances of personal, provocative insults and harassment of the Cuban Mission's personnel. No legislation could confer a right to humiliate, to insult or to act provocatively towards any official in any country in the world. The Cuban Mission continued to refer the matters to the United States Mission. While certain efforts had been made to try to resolve the situation with the assistance of the Secretary-General and the Chairman of the Committee, unfortunately, so far, there had been no substantial change in the conduct of those elements.

12. In response to the above observations, the representative of the United States stated that the events in which members of the Cuban Mission and their families were allegedly subjected to verbal insults and provocations had been the topic of much research and discussion on the part of local and federal authorities. Agents of the New York City Police Department, the Diplomatic Security Service and the Federal Bureau of Investigation (FBI) had conducted exhaustive investigations, including surveillance of the demonstrations and interviews with members of the Cuban Mission. The Cuban Mission was thoroughly acquainted with those efforts through personal observation and discussion, as well as various meetings at the respective missions. The United States had always taken its responsibilities for the safety and security of United Nations missions and their personnel very seriously, and was proud of its record and the performance of local and federal authorities in that regard. The Cuban Mission received 24-hour, seven days-a-week uniformed police coverage, with additional uniformed and plain-clothes officers during demonstrations, and security barriers to form a buffer between that Mission and any potential threat. Since no illegal or prosecutable offence had occurred against members of the Cuban Mission in the presence of

United States law enforcement officers, and the Cuban Mission had steadfastly declined to cooperate with those authorities in providing witnesses in any criminal matter, there was no further action that could be taken. In the event that there were acts of harassment to which a Cuban official was the sole witness, the only way the elements of the offence could be established in court was for the Cuban official to agree to testify. The Cuban Mission was urged to take note of that suggestion.

13. At the 152nd meeting, on 9 October 1991, the Chairman, in accordance with existing practice, informed the Committee of a letter dated 27 August 1991 addressed to him by the Permanent Representative of Cuba to the United Nations, to which was attached a copy of the Cuban Mission's note verbale dated 19 August 1991, addressed to the United States Mission, concerning the ongoing demonstrations at the Cuban Mission. Due to his illness, the Chairman had instructed the Secretary of the Committee to acknowledge, on his behalf, receipt of the letter in question, which was done on 12 September 1991. The exchange of correspondence had been brought to the attention of the Bureau at its meeting on 19 September 1991.

14. The representative of the United States stated that his Mission had addressed the question of demonstrations in the vicinity of the Cuban Mission at length in its note to that Mission dated 5 July 1991. The note contained several suggested actions available to Cuban Mission personnel if the demonstrations were seen to have overstepped the "boundaries" of free speech, assembly and dissent, to pose a threat or harassment to the Cuban Mission. Subsequent to the note, the two groups demonstrating against the Cuban Mission had held approximately 24 demonstrations. Local and federal authorities reported no untoward incidents, nor had the Cuban Mission raised any specific incident with the United States Mission or the New York City Police Department. However, the United States Mission remained open to the Cuban authorities for continuing discussion on the matter.

15. The representative of Cuba observed that the host country's efforts to deal with the demonstrations were not adequate. Cuba did not share the view that no harassment had occurred. Demonstrators had followed people from the Cuban Mission, and not only were employees sworn at, but their families had been harassed as well. She admitted that the host country had tried to keep the situation under control; however, it was necessary to maintain strict vigilance. The demonstrations were not only political ones, but there had been personal insults to Cuban staff during such demonstrations. While it might be difficult for the host country to limit freedom of speech, controls over demonstrators must be heightened. Otherwise such demonstrations might lead to serious situations.

16. The representative of the United States said that the host country Mission was committed to working out solutions to the problems that might arise. She recalled that, during the recent visit by the Foreign Minister of Cuba to the United Nations, the Government of the United States had provided the security that had been warranted.

17. The representative of Bulgaria welcomed the positive manner in which the United States had given assurances about providing the relevant security to the Cuban Mission and called on the two missions concerned to continue to work on the problem. He expressed appreciation to the competent United States

authorities for excellent security arrangements during the visit of the President of Bulgaria, which had been provided on very short notice.

B. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

1. Host country travel regulations

18. At the 149th meeting, on 26 March 1991, the Chairman informed the Committee of recent positive developments regarding travel regulations previously issued by the host country. The travel restrictions had been lifted in relation to official personnel and their dependants assigned to the Mongolian Mission to the United Nations, as of 11 March 1991, as well as in relation to officials of the Government of Nicaragua not permanently accredited to the Nicaraguan Mission, as of 8 March 1991.

19. The representative of Bulgaria, noting a generally constructive spirit which had prevailed in the Committee during the last year, referred to the efforts of the host country aimed at facilitating the functioning of the missions and the life of diplomats in New York City. In this connection, he stressed that the Government of Bulgaria looked forward to a constructive action on the suggestion of lifting travel restrictions for Bulgarian personnel accredited to the United Nations. He expressed the hope that the existing problems would be resolved promptly. The Bulgarian delegation would be ready to contribute in a most constructive spirit to finding the appropriate solution to the problem.

20. At the 152nd meeting, on 9 October 1991, the Chairman informed the Committee that, effective 1 August 1991, the travel restrictions imposed by the host country on the staff of the Bulgarian Mission and Bulgarian employees of the Secretariat, together with their dependants, had been lifted. He welcomed this decision by the host country and expressed the hope that the host country would lift similar travel restrictions with respect to other missions concerned.

21. The representative of Bulgaria expressed appreciation to the United States for its decision to lift travel restrictions previously imposed on Bulgarian Mission staff. As a representative of an Eastern European country, he hoped that the movement towards waiving travel restrictions in relation to other Eastern European countries would continue.

22. The representative of Iraq welcomed the decision of the United States to lift the travel restrictions for the Bulgarian Mission and expressed the hope that a similar decision would be taken with respect to his Mission.

23. At the 153rd meeting, on 15 November 1991, the Chairman informed the Committee that, effective 13 November 1991 the travel restrictions previously imposed by the host country on the staff of the Permanent Mission of Albania and the Albanian employees of the United Nations, together with their dependants, had been lifted. On behalf of the Committee, he welcomed this decision by the host country and expressed the hope that all remaining

restrictions with respect to other missions and United Nations staff members of other nationalities would also be removed as soon as possible.

2. Bank accounts: complaints by Iraq

24. At the 149th meeting, the Chairman informed the Committee that he had been approached by the representative of Iraq, who had asked him to provide assistance in unfreezing the Iraqi Mission's accounts. The Chairman brought the matter to the attention of the United States Mission. On 22 March 1991, the Bureau of the Committee discussed steps being taken by the host country in order to find a satisfactory solution to the matter.

25. The representative of Iraq referred to the problems faced by his Mission and, in particular, to those resulting from the freezing of the Mission's assets. He thought that the Committee was the appropriate body for solving that type of problem. He expressed the hope that the Government of the United States would find a solution to the discriminatory measures aimed at freezing the Mission's assets. Iraq was prepared to cooperate in finding a solution to those discriminatory measures whether with the assistance of the Secretary-General or through the good offices of the Legal Counsel. He hoped that the Headquarters Agreement concluded between the United Nations and the host country would be the basis for action in that regard.

26. In response, the representative of the United States informed the Committee that the Mission of the host country had recently delivered a note to the Iraqi Mission clarifying the key items mentioned by the Iraqi representative. She expressed the view that the matter had been resolved.

27. At the 151st meeting, the representative of Iraq observed that his Mission continued to encounter a number of problems as a result of the freezing of the Mission's assets. The Iraqi Mission had recently sent a note verbale to the United States Mission requesting that the funds necessary for the administrative and similar expenses relating to the functioning of the Mission be unfrozen. Those funds would not be used for the purposes covered by the Security Council resolutions. The Iraqi Mission hoped that the host country would respond to the request in a constructive manner.

28. The representative of the host country responded that a checking account had been licensed for the Iraqi Mission to the United Nations to permit it to carry out its official functions within the United States. The checking account was not frozen. Replenishments to the account were to be from funds brought in from outside the United States, as indicated in previous communications with the Iraqi Mission. The United States regarded that requirement as reasonable and consistent with its obligations under paragraph 4 of Security Council resolution 661 (1990) and paragraph 9 of Council resolution 670 (1990), which required States to freeze Iraqi assets.

29. At the 152nd meeting, the representative of Iraq referred to various well-known problems faced by his Mission and reminded the Committee that, unfortunately, no definitive answer had been received from the host country to the request to unfreeze the Iraqi assets necessary to pay expenses of the Mission, including salaries and rent.

30. The representative of the United States reiterated that a checking account had been licensed for the Iraqi Mission. As to the question of unfreezing other Iraqi assets, that was beyond the scope of the Committee.

3. Acceleration of immigration and customs procedures

31. At the 149th meeting, the Chairman informed the Committee that the Bureau, at its meeting held on 22 March 1991, had discussed certain difficulties experienced by diplomats on arrival at Kennedy Airport in New York City. There were no special booths allocated for diplomats at certain terminals. At an earlier Bureau meeting, the United States representative had briefed the members of the Bureau on measures taken by the competent authorities of the host country to provide special treatment for diplomats upon their arrival at various United States airports, including Kennedy in New York. Special counters for "A" and "G" visa holders had been allocated at various terminals of Kennedy Airport. However, he had promised to look into the matter with a view to informing the Bureau of his findings at a later stage. The Chairman expressed appreciation for the efforts made by the host country with a view to facilitating further the procedures for diplomats upon their arrival at the international airports.

32. At the 152nd meeting, the representative of France welcomed the special facilities set up by the host country authorities to improve immigration and customs procedures for diplomatic personnel at New York's Kennedy Airport. He wondered whether the host country Mission planned to approach the authorities at Newark International Airport with a view to taking similar steps there.

33. In response, the United States representative informed the Committee that the host country was in the process of working out general guidelines on the matter which would be applicable to all New York area airports.

4. Exemption from taxes

34. At the 149th meeting, the representative of Canada expressed concern at the considerable time delay in tax exemptions on telephone accounts in situations where a member of the mission moved for one reason or another and thus had a new telephone installed. He wondered whether the host country Mission might not write to the New York Telephone Company with a view to asking it to speed up the relevant accounting procedures.

35. In response to that inquiry, the representative of the host country said that the United States Mission would look into the matter in order to improve the situation in that regard.

36. At the 152nd meeting, the representative of France expressed appreciation to the host country for the relevant modifications made in the tax exemption card, which was now applicable throughout the United States. However, difficulties remained in areas far removed from New York. Some car rental companies refused to honour the card and required further documentation. They also insisted that state and local taxes had to be paid in any case.

37. The representative of the United States said that the host country mission was aware of the problem and was trying to find a practical solution to it.

5. Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff

38. At the 152nd meeting, the representative of Canada, in his capacity as Chairman of the Working Group on the matter, informed the Committee that, after having examined all the views on the issue of establishing a commissary, it had to be concluded that the setting up of such a facility at the United Nations Headquarters was not feasible at the present time. The Committee decided for the time being to disband the Working Group in question and to postpone further consideration of the issue on the understanding that the general topic would be kept on the list as adopted by the Committee in 1982.

C. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto

39. At the 149th meeting, on 26 March 1991, the Committee focused its deliberations on various aspects of the problem of financial indebtedness. The representative of the host country observed that one of the most vexing problems facing missions to the United Nations and many staff members of missions was the problem of what to do when for various reasons funds for the payment of rents, salaries and other expenses were not received by missions from the home Government. During the last month, a number of Governments had been overthrown or changed, and it was taking time for new Governments to take their place and to resume funding their missions to the United Nations. In several cases, missions had totally lost their contacts with their Governments for some period of time. In one case, a mission had received no funding from its Government for almost a year. In practical terms, that meant that the mission was not able to pay its office rent or utilities bills, and the mission staff faced similar difficulties. As a consequence, the United States Mission had spent many hours assisting such missions by persuading creditors to be patient, sometimes with suggestions of immunity, sometimes with the promises to pay bills in the future. In some cases, the United States Mission had been unsuccessful and mission telephone services had been discontinued and oil had not been delivered to homes. It was expensive to operate a mission in New York City. Those countries which had chosen to become Members of the Organization must recognize that reality and accept the responsibility to pay those expenses. When difficulties arose, a new approach was needed. In view of the fact that those countries were accredited to the United Nations, the Organization should play a greater role in finding the solution to this growing problem. She proposed the establishment of a working group to deal with all aspects of the problem which had become a major issue in host country affairs. The working group should report back to the Committee as soon as possible.

40. The Chairman informed the Committee that the problem of financial indebtedness had been discussed by the Bureau at its meeting held on

22 March 1991. In view of the complexity of the existing problems, the Bureau decided to continue its consideration of the matter.

41. The representative of Bulgaria supported the idea of establishing a working group to study all aspects of indebtedness. In his view, the working group should consider the long-term implications of the problem as well as ad hoc extraordinary measures to be taken for providing urgent assistance to missions in distress. In particular, the use of United Nations emergency funds for such purposes could be considered. It pained him to think that colleagues might not have funds for heating or transportation. The assistance and advice of the United Nations Secretariat, as well as of the host country, should be sought when dealing with those problems.

42. The representative of Costa Rica shared the views expressed by the previous speakers. She stated that all the aspects of the problem of financial indebtedness should be thoroughly scrutinized by the working group in order to find constructive solutions.

43. At the 150th meeting, on 30 April 1991, the Chairman informed the Committee that the problem of indebtedness had been discussed by the Bureau at its meetings on 3 and 11 April 1991. The Bureau decided to set up an open-ended Working Group to be headed by Mr. Ivan Sotirov of Bulgaria, Deputy Chairman of the Committee. The Bureau was of the view that it would be desirable for its members to participate in the Working Group ex officio. The Bureau also decided that a representative of the Legal Counsel should join the Working Group. The Committee supported the decisions taken by the Bureau. The Chairman expressed the hope that the newly created Working Group would be able to consider the matter of indebtedness in a constructive manner and would present its recommendations to the Committee in due course.

44. The representative of Bulgaria, in his capacity as head of the Working Group on Indebtedness, informed the Committee of the substance of unofficial consultations held among the members of the Bureau on 11 April 1991 concerning organizational matters and the scope of the Working Group's mandate. The Working Group should consider long-term measures as well as immediate practical steps of an urgent character. It should cooperate closely with the host country Mission, the United Nations Secretariat and with the New York City Commission for the United Nations and Consular Corps. Among matters to be discussed by the Working Group should be the question of health insurance programmes for mission personnel, since medical expenses represented a great source of financial indebtedness. Discussions of that matter with the Chief of the United Nations Insurance Section had proved to be rather useful. It was understood that the Working Group was open for participation by any member of the Committee.

45. The representatives of the host country and Costa Rica supported a proposal to invite to the Working Group a representative of the New York City Commission for the United Nations and Consular Corps.

46. In summing up, the Chairman of the Committee expressed the mutual concurrence of its members with the above-mentioned proposal.

47. The establishment of the Working Group was welcomed by the representative of Senegal. He was of the view that it should consider all aspects of the

problem of financial indebtedness, including possible urgent humanitarian assistance for certain missions in distress. Those matters were particularly delicate ones. Therefore, extreme caution should be observed in order not to tarnish the public image and personal reputation of those who were the victims of an unfortunate situation. He hoped that the Working Group would proceed in the matter with the greatest possible discretion.

48. The representative of Iraq associated himself with the previous speakers. He also paid tribute to the host country Mission for its contribution in solving many of the problems which confronted the Iraqi Mission. The proposals discussed in the Committee were very useful as they would contribute to the promotion of cordiality and cooperation among missions, as well as to making the international community more homogeneous.

49. At the 151st meeting, the Chairman informed the Committee that the Working Group, at its meeting held on 27 June 1991, had continued its consideration of the problem of financial indebtedness and possible concrete measures for urgent assistance to certain missions in distress. The representative of Bulgaria, in his capacity as head of the Working Group, introduced the text of a letter on the matter to be addressed to the Secretary-General. The Committee adopted by consensus the proposed text.

50. The letter, which was forwarded to the Secretary-General on 8 July 1991, drew his attention to the growing tendency of indebtedness among a number of permanent missions to the United Nations which warranted immediate and concrete action for urgent assistance. It further informed the Secretary-General that the main issue discussed by the Committee was the general role of the United Nations in responding to the problem of indebtedness, raising "many legal, administrative and humanitarian questions". The letter expressed the hope that concerned United Nations Secretariat offices and departments would provide assistance in the matter. (The complete text of the Chairman's letter is reproduced in annex I to the present report.)

51. The representative of the Legal Counsel stated that the Secretariat recognized the problems of indebtedness and, therefore, understood the efforts of the Committee to seek practical solutions to the problem. It was in that context that the Secretariat saw the letter addressed to the Secretary-General. However, the United Nations was not in a position to recognize any legal liability in matters relating to the insolvency of missions and, as a preliminary view, the Secretariat had certain difficulties of a practical and legal nature with the solutions proposed in the letter.

52. The representative of the host country informed the Committee of the practical assistance recently provided to one of the missions in distress. The United States Mission, with the assistance of the New York City Commission for the United Nations and Consular Corps, the New York City Administration of Human Resources and the Church Centre for the United Nations, and in coordination with the United Nations Secretariat, had arranged for a shipment of 100 parcels of food to a mission that had not received funds from the sending State for almost a year, because of changes in government.

53. The Chairman, on behalf of the Committee, praised the concrete actions taken by the United States Mission in order to provide humanitarian assistance to personnel of one of the missions in distress.

54. At the 152nd meeting, the Chairman informed the Committee that he had received from the Secretary-General a letter dated 24 July 1991 in response to his letter of 8 July 1991. In his letter, the Secretary-General shared the Committee's understanding that the problems of indebtedness raised many legal, administrative and humanitarian questions. He expressed the view that, in order to find workable solutions to those problems, certain legal and practical difficulties must be overcome with the active assistance of all concerned, including the competent authorities of the host country. The interested offices and departments of the United Nations Secretariat were examining possible solutions to the problems of indebtedness. (The complete text of the Secretary-General's letter is reproduced in annex II below.)

55. The Chairman further informed the Committee that the Secretary-General's letter had been brought to the attention of the Bureau at its meeting on 19 September 1991. The Bureau welcomed the Secretary-General's reply and looked forward to continuing cooperation with the United Nations Secretariat on the matter.

56. The representative of Bulgaria, in his capacity as Chairman of the Working Group, reported to the Committee on the substance of deliberations held at the Group's meeting on 1 October 1991. The Working Group was exploring the possibility of engaging the Business Council for the United Nations and the business community of New York City with a view to seeking their assistance in finding practical solutions to the problem of indebtedness. It had also discussed the possibility of setting up a small emergency fund to help missions in distress. While the most acute cases had received attention, the problem of indebtedness should be handled in a more organized fashion. It would be helpful to examine further the issue of possible insurance coverage for mission personnel, since medical costs represented one of the sources of insolvency.

57. The Chairman of the Working Group also informed the Committee that the Legal Counsel, on 2 October 1991, had requested the major United Nations duty stations to provide information on how the problem of indebtedness was handled in those locations. He had addressed a similar request to the observer for the European Economic Community (EEC) asking for information on how cases of indebtedness were handled at Brussels.

58. The Committee commended the efforts undertaken by the Secretary-General and the Legal Counsel on this matter. It also approved the initiatives discussed by the Working Group.

59. The representative of Spain observed that the proposed solutions to the problems of indebtedness were appropriate and deserved further exploration. However, concrete steps should be taken to solve specific cases, where special situations of need were observed. The host country could report to the Committee on such cases so that it could play a role in the matter.

60. The representative of Canada supported the observations expressed by the representative of Spain.

61. The representative of the United States said that the proposals would be taken under consideration. The host country welcomed the efforts by the Secretary-General to find a solution to the problem of indebtedness and supported the request by the Legal Counsel for information on similar problems.

D. Transportation: use of motor vehicles, parking and related matters

62. At the 149th meeting, the representative of Costa Rica informed the Committee about two traffic violation tickets she had received at the same time for alleged moving violations, on 22 February 1991, while driving in a 35-miles-per-hour speed zone, a speed she had not exceeded during a period of 15 years of daily driving in the same area on her way to work. In her letter of 6 March 1991 to the City Court of New Rochelle, she had pleaded not guilty with explanation and asked the Court to dismiss the charges based on her explanation. However, the subsequent summons from the Court, dated 14 March 1991, had fixed the trial date for 15 April 1991.

63. The representative of the host country, with reference to the United States Mission's note verbale circulated in February 1989, which set out "proper procedures to be followed regarding moving traffic violations and citations for motor vehicle infractions", stated that the valid issue of traffic citations was not an infringement of diplomatic privileges and immunities and that prompt payment was expected of all fines associated with such citations. The failure of diplomats to comply with traffic laws and regulations of the host country was inconsistent with article 41 of the 1961 Vienna Convention on Diplomatic Relations. She admitted that members of the diplomatic community who enjoyed immunity from legal process would not be required to appear in judicial proceedings or to submit personally to local civil or administrative jurisdiction. Nevertheless, immunity from jurisdiction did not imply that the United States was obliged to continue to grant the privilege of operating a motor vehicle to those who abused that privilege.

64. The Legal Counsel reminded the Committee that the United Nations Secretariat had formally reserved its position with regard to the procedures set out in the United States Mission's note verbale circulated in February 1989 (for more details see paragraph 37 of the report of the Committee on Relations with the Host Country to the General Assembly at its forty-fourth session). 1/ As to the complaint of the representative of Costa Rica, the Legal Counsel suggested that it be discussed with the Office of Legal Affairs of the Secretariat.

65. The representative of Costa Rica reiterated that a diplomat should not have to appear in court, which would require a waiver of immunities. She mentioned that the host country Mission would provide assistance in situations described above should they occur in Manhattan and wondered why such assistance would not be extended with respect to Westchester County or any other region of the metropolitan area.

E. Other matters

66. At the 149th meeting, the observer of the Libyan Arab Jamahiriya referred to the well-known problems faced by his Mission, including the issue of visas, travel restrictions imposed on members of his Mission outside New York City and putting a ceiling on accounts of the Mission. The Libyan Arab Jamahiriya showed its readiness to cooperate in order to come to an agreement with the United States. He reminded the Committee that his delegation was prepared to accept the good offices of the Secretary-General and of the Legal Counsel. He expressed the hope that the problems in question would be solved swiftly and thus eliminated from the agenda.

67. The representative of the United Kingdom of Great Britain and Northern Ireland recalled that, at the 146th meeting of the Committee, held on 18 June 1990, the representative of Canada had made a suggestion that the head of the Office of Foreign Missions should be invited to participate in the proceedings of the Committee. He wondered whether any action had been taken on that suggestion.

68. The representative of Canada clarified that the original invitation had not been for the head of the Foreign Missions Office to attend every meeting of the Committee, but it would be useful for him to come at some time to express his views on specific issues before the Committee.

69. The representative of the United States, in response, observed that the United States Mission regularly reported to the head of the Office concerned on the proceedings in the Committee. Should there be a specific need to come to the Committee, the Mission would consider such a request. However, bearing in mind the existing means of communication between New York and Washington, D.C., there seemed no particular need for the head of the Foreign Missions Office to attend the meetings of the Committee.

70. At the 150th meeting, the representative of the United Kingdom expressed his understanding that the Committee had already decided, at one of its meetings held in 1990, to invite the head of the Office of Foreign Missions to address the Committee. Such a meeting would be beneficial both to his Office and to the Committee. There could be a general exchange of views at which the head of the Office could explain with whom his Office worked and, on the other hand, the Committee's members could raise general questions. It would be useful for the Office of Foreign Missions to realize more clearly the difference between the status and function of missions accredited to the United Nations and those of missions accredited to the Government of the United States. The proposed meeting would lead to a better understanding by all sides involved. Since New York City had the largest diplomatic community in the world, it would be appropriate from time to time - not regularly - for the head of the Office in question, who was responsible for that community, to meet with the Committee and to talk to its members.

71. The representatives of Bulgaria, Canada, France and Spain supported the proposal to renew an invitation to the head of the Office of Foreign Missions to meet with the Committee. They expressed the view that such meetings could improve communication between missions to the United Nations and the United States Administration. It would be helpful to understand how the Office of Foreign Missions worked. In order to have such a meeting structured, a short

list of individual topics under discussion could be prepared by the Secretariat, including exemption from sales taxes and the immigration procedure problems.

72. The representative of the host country observed that there seemed to be some sort of discrepancy over what decision had been taken by the Committee on the matter. He recalled that, when the proposal had been put forward in June 1990, the United States representative had clearly indicated that it would be important to clarify what the Committee had in mind in requesting the head of the Foreign Missions Office to participate in the Committee's deliberations. When there were individual problems in the past, the head of the Office had attended meetings of the Committee. For example, he had made presentations on the housing programme and the programme of federal licence plates. The United States Mission and its Host Country Section represented the United States Government in its relations with the entire diplomatic community in New York City. While there was no objection to the above proposal in principle, it would be preferable to have more clarification as to what the Committee would expect from the person concerned.

73. The representative of the United Kingdom, referring to the various views expressed on the item, suggested that the Chairman of the Committee should contact the host country Mission regarding the appropriateness of having a meeting with the head of the Foreign Missions Office and agree on the terms on which the meeting could be held.

74. The Chairman, with the support of the Committee members, accepted the suggestion to consult with the host country on the matter.

75. At the 151st meeting, the Chairman informed the Committee of the substance of his contacts with the United States Mission on the matter. The Office of Foreign Missions had expressed the view that the host country Mission to the United Nations was the proper channel for host country negotiations and had reiterated its confidence that the host country Mission would continue to represent the Government of the United States effectively.

IV. RECOMMENDATIONS AND CONCLUSIONS

76. At its 153rd meeting, on 15 November 1991, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, the Committee appreciates the efforts made by the host country for this purpose and is assured that all problems raised at its meetings will be duly settled in a spirit of cooperation and in accordance with international law;

(c) Considering that the security of missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts of the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(d) With a view to facilitating the course of justice, the Committee calls upon the missions of Member States to cooperate as fully as possible with the federal and local United States authorities in cases affecting the security of missions and their personnel;

(e) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee takes note of the positions of the affected Member States, of the Secretary-General and of the host country;

(f) The Committee appeals to the host country to review the measures relating to diplomatic vehicles with a view to responding to the needs of the diplomatic community, and to consult with the Committee on matters relating to transportation;

(g) The Committee stresses the importance of the work of its working group concerning problems of financial indebtedness and welcomes the cooperation of all interested parties. It reminds all permanent missions to the United Nations and their personnel of their responsibilities to meet their financial obligations. With a view to resolving the issues relating thereto, the Committee strongly supports the continuation of the Working Group's efforts to find a solution to the problem;

(h) The Committee wishes to reiterate its appreciation to the Host Country Section of the Permanent Mission of the United States of America to the United Nations, the New York City Commission for the United Nations and the Consular Corps and those bodies, particularly the New York City Police Department, which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality

and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Notes

1/ *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 26* (A/44/26).

ANNEX I

Letter dated 8 July 1991 from the Chairman of the Committee on Relations with the Host Country to the Secretary-General

On behalf of the Committee on Relations with the Host Country, I have the honour to communicate the following:

It has been brought to the attention of the Committee that there exists a growing tendency of indebtedness among a number of diplomatic missions representing States Members of the United Nations. The problems are particularly grave with regard to several missions representing countries which are going through major political upheavals. In addition to the legal problems caused by indebtedness and the negative reflection on the United Nations and diplomatic community, there are acute humanitarian concerns. This matter warrants immediate and concrete action for urgent assistance.

The Committee on Relations with the Host Country has decided to study this important aspect of the United Nations presence in New York City. In close cooperation with the United Nations Secretariat, the host country authorities and the permanent missions to the United Nations, the Committee will examine appropriate steps and possible solutions to the problems. To that end a Working Group of the Committee, headed by the Vice-Chairman, Mr. Ivan Sotirov (Bulgaria), has been established.

The main issue that has been discussed is the general role of the United Nations in responding to the problems of indebtedness, including possible creation of an emergency fund administered by the United Nations, group health insurance programmes, possible temporary short-term employment in the Secretariat and information programmes sponsored by the United Nations for Member States, highlighting the financial costs arising from the presence of a mission in New York.

As you can see, these problems raise many legal, administrative and humanitarian questions. Therefore, the Committee hopes that it will have the full support and assistance of concerned offices and departments of the United Nations Secretariat as it continues to look for possible solutions to the problems.

May I take the liberty of assuring you that, while awaiting your answer, we shall continue to look for ways and means to alleviate the situation of the worst affected missions, having in mind that some need emergency food donations. We note with appreciation that food delivery was recently effected with the full cooperation of the host country, the City of New York and the Secretariat.

ANNEX II

Letter dated 24 July 1991 from the Secretary-General to the Chairman of the Committee on Relations with the Host Country

I wish to acknowledge receipt of your letter dated 8 July 1991 concerning the problem of financial indebtedness among a number of permanent mi sions of States Members to the United Nations.

As was observed by my representative at the recent meeting of the Committee on Relations with the Host Country, held on 8 July 1991, the Secretariat of the United Nations recognizes the existence of the problems of indebtedness and, therefore, understands the efforts of the Committee to seek practical solutions to this problem. However, the United Nations is not in a position to recognize any legal liability in matters relating to the insolvency of missions in distress.

I note that the Committee has discussed "the general role of the United Nations in responding to the problems of indebtedness, including possible creation of an emergency fund administered by the United Nations, group health insurance programmes, possible temporary short-term employment in the Secretariat and information programmes sponsored by the United Nations for Member States, highlighting the financial costs arising from the presence of a mission in New York".

I fully share the Committee's understanding that "these problems raise many legal, administrative and humanitarian questions". In order to find workable solutions to the problems outlined in your letter, certain legal and practical difficulties must be overcome with the active assistance of all concerned, including the competent authorities of the host country.

The interested offices and departments of the United Nations Secretariat have been apprised of your letter and are examining possible solutions to the problems of indebtedness. Please be assured that representatives of the Secretariat will be prepared to participate in the further consideration, either in the Working Group or in the Committee as a whole, of possible measures to be taken with a view to alleviating the difficulties faced by certain permanent missions.

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